

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER**

UNITED STATES OF AMERICA	)	
	)	Case No. 4:23-cr-2
v.	)	
	)	Judge Atchley
	)	
JAMES LEWIS SHERBURNE	)	Magistrate Judge Lee
	)	

**ORDER**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the six-count Indictment; (2) accept Defendant's guilty plea as to Count One; (3) adjudicate the Defendant guilty of Count One; (4) defer a decision on whether to accept the plea agreement [Doc. 118] until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter [Doc. 126]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 126] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count One of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count One is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of Count One;
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

5. Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **May 23, 2024, at 10:00 a.m. [EASTERN]** before the undersigned.

**SO ORDERED.**

/s/ Charles E. Atchley, Jr.

**CHARLES E. ATCHLEY, JR.**

**UNITED STATES DISTRICT JUDGE**